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CHRISTOPHER SHAYS and	)	
MARTIN MEEHAN,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 02-1984 (CKK)
	)	
FEDERAL ELECTION COMMISSION,	)	
	)	FEC STATEMENT OF
	)	MATERIAL FACTS NOT
Defendant.	)	IN GENUINE DISPUTE
	)	

Pursuant to Federal Rule of Civil Procedure 56 and LCvR 56.1 of the Rules of the United States District Court for the District of Columbia, the Federal Election Commission (“FEC” or “Commission”) submits the following statement of material facts about which there is no genuine issue or dispute.

1. H.R. 2356 was enacted by the House of Representatives on February 14, 2002, and then adopted by the United States Senate on March 18 and 20, 2002.
2. President Bush signed H.R. 2356 into law on March 27, 2002. The Act, Public Law 107-155, is commonly known as the Bipartisan Campaign Reform Act or “BCRA.”
3. BCRA is the most recent amendment of the Federal Election Campaign Act of 1971, 2 U.S.C. 431-55 (the “Act” or “FECA”).

4. The Federal Election Commission (“Commission”) is the independent agency of the United States government with exclusive jurisdiction to administer, interpret and civilly enforce FECA. See 2 U.S.C. 437c(b)(1), 437d(a), (e) and 437g.

5. The Act grants broad authority to the Commission to “formulate policy with respect to” the Act, 2 U.S.C. 437c(b)(1), and to promulgate “such rules ... as are necessary to carry out the provisions” of the Act. 2 U.S.C. 437d(a)(8). Moreover, BCRA sections 402 and 214 specifically direct the Commission to promulgate regulations to implement the new BCRA provisions under strict time limits. See also 2 U.S.C. 434(f)(3)(B)(iv).

6. BCRA section 402(c)(2) established a 90-day deadline for the Commission to promulgate rules that address BCRA's new limitations on party, candidate and officeholder solicitations and use of non-Federal funds. 67 Fed. Reg. 49064 (July 29, 2002). On May 20, 2002 the Commission published its Notice of Proposed Rulemaking on “Excessive and Prohibited Contributions: Non-federal Funds or Soft Money Proposed Rule” in the Federal Register. 67 Fed. Reg. 35654. This notice announced that the FEC “seeks comments on proposed changes to its rules relating to funds raised, received and spent” by party committees under FECA as amended by BCRA's new restrictions. Id. at 35654.

7. The Commission received many public comments, and heard testimony on June 4 and 5, 2002. See 67 Fed. Reg. 49064 (listing commentators). After considering the comments and testimony, on July 16, 2002 the Commission transmitted to Congress, and on July 29, 2002 the Commission promulgated in the Federal Register, its final rules and Explanation and Justification on “Prohibited and Excessive Contributions: Non-federal Funds or Soft Money.” 67 Fed. Reg. 49064-132.

8. BCRA section 402(c)(1) established “a general deadline of 270 days for the Commission to promulgate regulations to carry out BCRA.” 67 Fed. Reg. 65190 (Oct. 3, 2002). Accordingly, on August 7, 2002 the Commission published its Notice of Proposed Rulemaking for Electioneering Communications in the Federal Register. 67 Fed. Reg. 51131. This notice announced that the FEC “is seeking comment on proposed rules regarding electioneering communications, which are certain broadcast, cable, and satellite communications that refer to a clearly identified Federal candidate within 60 days of a general election or within 30 days of a primary election for Federal office.” *Id.* at 51131.

9. The Commission received many comments, and heard testimony on August 28 and 29, 2002. *See* 67 Fed. Reg. 65190. After considering the comments and testimony, on October 11, 2002 the Commission transmitted to Congress and on October 23, 2002 the Commission promulgated in the Federal Register its final rules and Explanation and Justification on “Electioneering Communications”. 67 Fed. Reg. 65190-212.

10. The Commission published its Notice of Proposed Rulemaking on “Contributions Limits and Prohibitions” in the Federal Register on August 22, 2002. 67 Fed. Reg. 54366. This notice announced that the FEC “seeks comments on proposed changes to its rules relating to contribution limitations and prohibitions” under FECA as amended by BCRA's new restrictions. *Id.* at 54366.

11. The Commission received many comments. 67 Fed. Reg. 69928. After considering the comments, on November 8, 2002, the Commission transmitted to Congress and on November 19, 2002 the Commission promulgated in the Federal Register its final rules and Explanation and Justification on Contributions Limitations and Prohibitions. 67 Fed. Reg. 69928-69950 (November 19, 2002).

12. On September 24, 2002, the Commission published its Notice of Proposed Rulemaking on Coordinated and Independent Expenditures in the Federal Register. 67 Fed. Reg. 60042. This notice announced that the Commission “seeks comments on proposed changes to its rules relating to payments for communications that are coordinated with a candidate” and independent expenditures under FECA as amended by BCRA's new restrictions. Id. at 60042.

13. The Commission received many comments and heard testimony and 14 on October 23 and 24, 2002. 68 Fed. Reg. 421. After considering these comments and testimony, on December 18, 2002 the Commission transmitted to Congress, and on January 3, 2003 the Commission promulgated in the Federal Register, its final rules and Explanation and Justification of its Final Rules on Coordinated and Independent Expenditures. 68 Fed. Reg. 421-58 (Jan. 23, 2003). The Commission published in the Federal Register technical corrections on February 7, 2003. 69 Fed. Reg. 6346 (Feb. 7, 2003).

Respectfully Submitted,

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